

## FAQ/How Do I ...

### Introduction

This FAQ covers common topics related to administrative rules and rule making and answers questions commonly asked by rule writers. For more in-depth information about a topic, see the Rule Writer Handbook.

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## Basics

### What is a rule?

“Rule” is short for “administrative rule,” which is the means by which a state agency implements a law passed by the General Assembly. Rules function as the policy of an agency of the Executive Branch. Rules have the same force and effect as laws enacted by the General Assembly. Each agency writes its own rules implementing different chapters of the [Iowa Code](#) or [Iowa Acts](#), federal law, executive orders, or other legal requirements.

Each agency’s rules are published in the [Iowa Administrative Code](#), the state publication specific to administrative rules. Rules are organized into chapters within the Iowa Administrative Code. Rules can be divided into subrules, paragraphs, subparagraphs, and so on.

The process of establishing rules is called “rule making.” The term “rule making” is also used to refer to an instance of establishing or changing rules.

The Iowa Code gives an official definition of the term “rule.” According to Iowa Code section [17A.2](#)(11), a rule is defined as:

“Each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency.”

See Iowa Code section [17A.2](#)(11) for the full definition of “rule,” which includes various exceptions from the definition.

### What is a rule-making document?

A rule-making document is a specialized document that an agency uses to outline its rule makings. Rule-making documents can outline the establishment of new rules, changes (known as amendments) to existing rules, or the removal (known as rescission) of existing rules. They can also make changes to specific parts of a rule, since rules can be divided into subrules, paragraphs, subparagraphs, and so on.

Rule-making documents are published in order to notify the public of rule makings, to allow public comment on proposed rule makings, and to allow for oversight of the rule-making process by the Governor’s office and the General Assembly.

### When and where are rule-making documents published?

Once every two weeks (every other Wednesday), agencies’ newest rule-making documents are published in the [Iowa Administrative Bulletin \(IAB\)](#), and the changes (amendments) made by those documents are incorporated into the Iowa Administrative Code (IAC).

Rules published in the IAB and IAC are available on the Iowa Legislature [website](#), which also includes archives of the published IAC and IABs. Updates on selected rule-making documents or agency chapters or rules may be obtained by subscribing to rule makings in the General Assembly’s online [Bills & Rules Watch](#) email update.

Proposed rule makings, called Notices of Intended Action (described below under “What are the different types of rule-making documents?”), are also posted for public review and comment on the Executive Branch’s administrative rules [website](#). Additionally, agencies’ own websites also include administrative rules web pages with links to the agency’s rules and rule-making documents.

### **What do the Administrative Rules Coordinator and the Governor's office do?**

The Administrative Rules Coordinator (ARC) in the Governor's office oversees the rule-making process on behalf of the Governor. The ARC reviews submitted rule makings prior to their review and publication by the Legislative Services Agency's Publications Editing Office. The ARC also serves as an ex officio, nonvoting member of the Administrative Rules Review Committee, the legislative body for overseeing administrative rules.

Rules and rule makings are also subject to oversight by the Governor. The Governor can object to a rule or rule-making document or rescind an adopted rule by executive order within 70 days of the rule's effective date.

### **What does the Legislative Services Agency do?**

The Legislative Services Agency (LSA) is the state agency that provides nonpartisan staff services to the General Assembly. The LSA is also responsible for publishing rule makings.

The LSA includes the [Administrative Code Editor \(ACE\)](#) and the [Publications Editing Office \(PEO\)](#), which are responsible for publishing the Iowa Administrative Bulletin and supplements to the Iowa Administrative Code every two weeks. As part of the two-week publication cycle, the editors in PEO review each rule-making document submitted for publication and provide feedback to rule writers on style, form, and other matters as needed before the document is published in the Iowa Administrative Bulletin (and, for an adopted document, before its rules and amendments are incorporated into the Iowa Administrative Code).

The ACE and PEO also handle historical research on rule-related matters, and the ACE additionally serves as legal counsel and secretary to the Administrative Rules Review Committee.

### **What is the ARRC?**

The [Administrative Rules Review Committee \(ARRC\)](#) is a 10-member statutory committee of the General Assembly responsible for oversight of rules. The ARRC meets monthly to review rule makings published in the previous month's Iowa Administrative Bulletins (and occasionally rules currently in effect). The ARRC has various oversight powers relating to rule making, including the power to delay an adopted rule making, object to a rule or rule making, and authorize emergency rule making.

The Administrative Code Editor serves as the ARRC legal counsel and secretary, and the Administrative Rules Coordinator serves as an ex officio, nonvoting member of the ARRC.

### **What is the difference between the Iowa Administrative Bulletin and the Iowa Administrative Code?**

The Iowa Administrative Bulletin (IAB for short, also sometimes called the "Bulletin") is a state publication that acts as a way of announcing new or upcoming rule makings. It is [published online](#) every two weeks and includes both rule makings being newly proposed and those being newly adopted, as well as less common types of rule-making documents and non-rule-making documents of interest to the general public.

The Iowa Administrative Code (IAC for short, also sometimes called the "Admin Code") is the state publication containing all the administrative rules. While the IAB includes only the most recent changes that are being made or proposed, the IAC contains all rules, organized by agency and by topic into different chapters. The IAC is updated every two weeks with newly adopted rules. The IAC is [available online](#) on the Iowa Legislature website.

### What are the different types of rule-making documents?

There are two major types of rule-making documents:

- Notice of Intended Action (also called “Notice” or “NOIA,” pronounced “noy-ya”)
  - The publication of this document in the Iowa Administrative Bulletin is the **first step** in the regular rule-making process.
  - This is the proposal stage of the rule making, in which the agency announces the new rules or amendments it is planning to establish. The Notice declares an agency’s intent to newly adopt, to amend, or to rescind a rule.
  - According to Iowa Code section [17A.4\(1\)](#), publication of a Notice of Intended Action in the Iowa Administrative Bulletin must precede the adoption, amendment, or rescission of a rule by at least 35 days.
  - The Notice of Intended Action acts as a notification to the public about the rule making, and readers are given contact information for the agency and a time frame of at least 20 days in which they may contact the agency about the proposed rule making.
  - The Notice of Intended Action may also schedule a public hearing for the agency to receive feedback from the public.
- Adopted and Filed (also called “AF”)
  - The publication of this document in the Iowa Administrative Bulletin is the **second step** in the regular rule-making process.
  - The Adopted and Filed process requires action on behalf of the agency.
  - Adoption becomes possible when the agency is ready to finalize the language of the rule making for publication, incorporating any changes from the Notice of Intended Action that the agency wishes to make.
  - The Adopted and Filed rule-making document is published in the Iowa Administrative Bulletin to show the finalized version of the rule making as it has been adopted. The rule making’s rules and amendments are incorporated into the Iowa Administrative Code and officially become part of the agency’s rules at the same time the Adopted and Filed document is published in the Iowa Administrative Bulletin.
  - The rule making might be identical to how it was proposed in the Notice of Intended Action stage, or there might be changes made between the Notice of Intended Action stage and the Adopted and Filed stage.
  - The effective date of an adopted rule making will be at least 35 days after publication of the agency’s Adopted and Filed document in the Iowa Administrative Bulletin.

In addition to the Notice of Intended Action and the Adopted and Filed types, there are other, more specialized types of rule-making documents that agencies may sometimes have occasion to submit. Those document types include:

- [Amended Notice of Intended Action](#)
- [Adopted and Filed Emergency](#)
- [Adopted and Filed Emergency After Notice](#)
- [Notice of Termination](#)

### How are rule-making documents submitted and published?

Agencies submit their rule-making documents to the Legislative Services Agency electronically through a system called the Rules Management System (called RMS for short). Rule-making documents are reviewed by the Administrative Rules Coordinator (ARC) and then forwarded to the Administrative Code Editor for publication in the Iowa Administrative Bulletin. The Publications Editing Office within the Legislative Services Agency accepts and prepares the rule-making documents for publication.

The rules and amendments of adopted rule makings are officially incorporated into the Iowa Administrative Code, replacement chapters based on those rules and amendments are published in the Iowa Administrative Code Supplement, and the Iowa Administrative Code is updated to include the new rules and amendments.

### How do I find a Notice of Intended Action or Adopted and Filed rule making online?

Published Notices of Intended Action and Adopted and Filed rule makings are found in the Iowa Administrative Bulletin in which they were published.

The [Iowa Administrative Bulletin](#) is found on the Iowa Administrative Rules web page of the Iowa Legislature [website](#).

### Iowa Administrative Rules


**Overview**  
Administrative rules implement or interpret law, prescribe policy, or describe the organization, procedure, or practice requirements of an executive branch agency.

[Iowa Administrative Code \(IAC\)](#) (Current & Archive) - Composite of all adopted administrative rules organized by publication date ([Official](#) - PDF format and Unofficial - PDF and RTF formats).


[Administrative Rules by Effective Date](#) - Administrative rules organized by agency with effective dates noted.

[Iowa Administrative Code Index](#) - Index of general subject matters and concepts within the Iowa Administrative Code.


→ [Iowa Administrative Bulletin \(IAB\) and IAC Supplement](#) (Current & Archive) - Biweekly notice of all proposed and adopted changes to administrative rules and biweekly compilation of replacement IAC chapters ([Official Version](#) - PDF format).

Current IAB 


#### Iowa Administrative Code

Quick Search  

#### Rule-Making Document

Quick Search  
ARC  

#### Agency, Chapter, or Rule By Publication & Effective Dates

Quick Search  

[Rules Tracker](#)

[Legislative Document Research](#)

The published documents may also be accessed by clicking the [Rules Tracker](#) link on the same web page.

### Iowa Administrative Rules

#### Overview

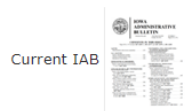
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Current IAB

[Comment](#) - On proposed administrative rules.

**Iowa Administrative Code**

Quick Search

**Rule-Making Document**

Quick Search

ARC

**Agency, Chapter, or Rule By Publication & Effective Dates**

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Current IAB

**Iowa Administrative Code**

Quick Search

**Rule-Making Document**

Quick Search

ARC

**Agency, Chapter, or Rule By Publication & Effective Dates**

Quick Search

[Rules Tracker](#)

[Legislative Document Research](#)



### What does a rule-making document look like?

A rule-making document uses a specific format to outline the rule making. The document consists of the following two parts:

- Preamble
  - The preamble serves as the introduction to the rule making.
  - It consists of specific required information, including:
    - The purpose and a summary of the rule making, explaining what effect the rule making will have.
    - The Iowa Code statute giving the agency the authority for rule making.
    - The legal authority implemented by the rule.



- Other details depending on the type of rule making, such as information on how the public may contact the agency about the rule making or when the rule making becomes effective.
- Body
  - The body of the rule making lays out the text of a rule (or rules) as it will appear in the Iowa Administrative Code.
  - Each individual change, or “rule-making action,” is represented as a single “item.”
  - Each item shows the changes that will be made to a rule (or chapter, subrule, etc.). Below is an example of an item.

ITEM 4. Amend subrule 24.5(2) as follows:

**24.5(2) Full-time employment.** The commission may waive the requirement that the physician be employed full-time if the physician demonstrates exceptional circumstances. ~~The physician must request~~ requests a waiver from the commission in writing and is working at least 28 hours per week. If a waiver request is granted by the commission, the agreement will be amended to provide an allowance for part-time employment. The five-year employment obligation will be proportionally extended to ensure the physician is employed in a service commitment area for the equivalent of five full-time years.

### When would I need to write a rule-making document?

An agency needs to write a rule-making document when the agency needs to implement a state law, federal law or regulation; a court ruling; or another legal requirement in a way that applies to broad groups of people or entities. The rule making may implement such a requirement either by revising existing policy or establishing new policy.

Sometimes Iowa Code chapter [17A](#) or another state law will specifically require that certain matters be adopted by rule. Otherwise, an agency has discretion as to whether to make policy by rule or on a case-by-case basis.

In addition to an agency’s policymaking functions, Iowa Code section [17A.3\(1\)](#) requires that an agency adopt rules describing the organization and operation of the agency; procedures (such as forms and instructions) available to the public in dealing with the agency; and standards, principles, and procedural safeguards that the agency will apply to the laws it administers. Any new developments in such matters would require rule making.

### The Legislature passed a law that requires my agency to adopt rules. What do I do next and when?

To start the rule-making process, an agency files a Notice of Intended Action with the Administrative Rules Coordinator through the Rules Management System. According to Iowa Code section [17A.4\(10\)](#), an agency must start the rule-making process within six months of the effective date of the provision of the bill that requires the rule making. If the agency fails to do this, the agency is required to provide written notification to the Administrative Rules Review Committee explaining the delay.

### What do I write in my rule-making document?

When writing a rule-making document, keep in mind:

- The intended audience of the rule making.
- The purpose, intended results, or objectives of the rule making.



Fully understanding these matters is critical to the effective composition of a rule-making document.

*Audience:*

The general public is always the intended audience to an extent, but consideration should also be given to those portions of the public that would have particular interest in the rule being drafted. It is often helpful to seek input from affected parties prior to drafting a rule or prior to submitting a draft for publication.

*Purpose:*

Rules are not intended to merely restate the language of the Iowa Code or other applicable legal authority, although some repetition will often be necessary. The most useful portions of a rule are those that describe matters “affecting the rights and duties of the public” (as stated in Iowa Code section [17A.1\(2\)](#)) that are not described, or not fully described, in the Iowa Code.

While there are numerous reasons an agency might write a rule making, the following are common examples of rule-making types and the features that should be included:

- If a rule making implements a new program providing a benefit, describe any feature of the program that would be of interest to those who might apply or be eligible, such as criteria or qualifications, necessary paperwork and other procedures, timelines, what can be received and how, and applicable due process procedures.
- For a rule making imposing a new regulatory requirement, include sufficient detail to allow a regulated entity to conform its conduct with all of the agency’s expectations, information that allows interested members of the public to be aware of the requirements imposed on the entity, as well as a description of applicable due process procedures.
- For a rule making that conforms rules to a recent change in existing law, examine all existing rules pertaining to the subject to determine the most effective means of implementation. Sometimes mere changes in existing terminology may suffice, while at other times, significant rewrites, or even the establishment of new chapters of rules, may be needed.
- For a rule making describing the organization or operation of the agency, only include matters of interest to the public. Internal matters that do not substantially affect the legal rights of, or procedures available to, the public need not be included.

When in doubt, remember that it can be helpful to use the legislation implemented by the rule making, as well as existing rules on the same subject, as a guide to writing a rule making.

For more information about writing a rule-making document, see the “Writing a Rule-Making Document” part of this FAQ or consult [Part B](#) of the Rule Writer Handbook.

### **I submitted a Notice of Intended Action. What do I do next?**

Submitting a Notice of Intended Action is only the beginning of the rule-making process, not the end. A Notice of Intended Action functions only to give notice to the public that an agency is considering adopting a rule making and to explain to the public how they can provide input to the agency on the proposed rule making. It does not result in the proposed rule making becoming effective.

The rule-making process can only be concluded by adoption of the proposed rule making. For a rule making to become adopted and effective, the agency must first adopt the rule making and then submit that Adopted and Filed rule making in the Rules Management System for publication. Once the rule

making is adopted, it can become effective as soon as 35 days after its publication in the Iowa Administrative Bulletin.

If no Adopted and Filed rule making is submitted, a Notice of Intended Action may expire as soon as 180 days after publication.

### **How do I track the progress of my rule-making document?**

The Rules Tracker on the Iowa Legislature website tracks the rule-making process from the Notice of Intended Action stage to adoption and includes information such as public comment deadlines, public hearing dates, Administrative Rules Review Committee meeting dates and actions taken, published rule-making documents, and effective dates.

For an outline of the rule-making process, see the rule-making flowchart in [Part A](#) of the Rule Writer Handbook. Rule-making documents can also be tracked on the “My Filings” page of the Rules Management System. Notices that have not yet been Adopted and Filed may be found through the [Rules Tracker](#) on the Iowa Legislature website, where all agency rule makings may be accessed.

### **How do I determine when my rule making will be effective?**

The effective date of a rule making is based on when the Notice of Intended Action is published in the Iowa Administrative Bulletin and then, after the Notice’s publication, when that proposed rule making is adopted and published in the Bulletin as an Adopted and Filed rule-making document.

Under the regular rule-making process, the date of publication of the Notice is the key to determining when a rule making can be adopted and when it can be made effective. A rule making cannot legally be adopted until 35 days after the Notice of Intended Action is published in the Iowa Administrative Bulletin.

Once the rule making has been adopted, it must then be published again in the Iowa Administrative Bulletin, this time as an Adopted and Filed rule-making document. The rule making may become effective as soon as 35 days after the date of publication of the Adopted and Filed rule-making document. The annual [Schedule for Rule Making](#) located online in the Rule Writer Tool Kit sets out the various minimum statutory dates related to rule making. See [Part A](#) of the Rule Writer Handbook for a guide to interpreting the Schedule for Rule Making.

### **How long does it normally take for a rule making to become effective?**

Regular rule making typically takes four to six months. In theory, the regular rule-making process can take as little as 108 days from submission of a Notice of Intended Action in the Rules Management System until the adopted rule making becomes effective. However, that minimum timeline is uncommon.

For assistance with precisely calculating a possible rule-making timeline, consult the [Schedule for Rule Making](#) on the Iowa Legislature’s website or contact the Administrative Code Editor for more information.

### **I need my rule making to be effective immediately. How do I do that?**

With permission, an agency may be able to use emergency rule-making procedures to make a rule making effective immediately. “Emergency rule making” is a term that describes certain procedures that allow an agency to skip portions of the regular rule-making process in order to put rules into effect

more quickly than normal. There are legal requirements to use such procedures, which are described in more detail below.

### How does emergency rule making work?

Specific authorization by statute or the Administrative Rules Review Committee is required for emergency rule making.

Emergency rule-making procedures can shorten the rule-making process to a matter of days. The procedures allow an agency to:

- Adopt a rule making immediately, without the waiting period normally required for a Notice of Intended Action.
- Have a rule making become effective upon its submission in the Rule Management System and its acceptance by the Administrative Rules Coordinator.

Emergency rule making is nearly always done in two parts, with the simultaneous submission of two separate rule makings:

- A rule making submitted as a regular Notice of Intended Action.
- An Adopted and Filed Emergency rule making.

This is commonly referred to as a “double-barrel” rule making. Double-barrel rule making allows a rule making to go into effect quickly while still allowing for public input and possible revision later.

### What are the specific procedures for emergency rule making?

There are two separate procedures for emergency rule making, which can be combined:

- The Notice of Intended Action period of the rule-making process can be skipped and the rule making adopted immediately (see Iowa Code section [17A.4\(3\)](#)). This procedure can only be used with specific authorization by statute or from the Administrative Rules Review Committee. This procedure is very rarely used without also using the procedure described below.
- The final stage of the rule-making process, i.e., the waiting period between when the rule making is adopted and when it becomes effective, can be skipped and the adopted rule making made effective upon filing in the Rules Management System and acceptance by the Administrative Rules Coordinator (see Iowa Code section [17A.5\(2\)“b”](#)). Per the Iowa Code, an agency can use this procedure at its discretion if the agency finds any of the following:
  - A statute authorizes emergency rule making.
  - The rule making confers a benefit or removes a restriction on the public or some members of the public.
  - An earlier effective date is necessary because of danger to the public health, safety, or welfare.

The second procedure is sometimes used on its own without the first procedure to partially shorten the rule-making process while still allowing for public comment after the Notice of Intended Action.

### I need to make changes from the Notice in an Adopted and Filed rule making. How do I do that?

An agency may need to make changes to a rule making after publication of the Notice of Intended Action following discussion at an Administrative Rules Review Committee meeting, as a result of public comment, or at an agency’s own discretion. As long as the changes are in line with the original intent

and scope of the Notice, the changes can be made as part of the regular rule-making process in an Adopted and Filed rule-making document.

This process has two main components:

- Making changes from the items published under Notice.
- Describing the changes in the preamble of the Adopted and Filed rule-making document.

It is important to use the published Notice as the basis for the Adopted and Filed rule-making document, which can be done in the [Rule-Drafting Template](#) on the Iowa Legislature's website. To make a change to any existing text in the Iowa Administrative Code, use striking and underscoring to indicate amendments. For any text that was proposed as new text in the Notice, changes should be made by deleting any unwanted text and adding new text either with underscoring (for an "Amend" item type) or without underscoring (for an "Adopt" item type).

[Changes from the Notice](#) should be described in the "Public Comment and Changes to Rule Making" section of the preamble. Changes can be broadly described or specifically noted by item number or rule number. Be sure to confirm that the changes described in the preamble match the changes made to the items before submission of the Adopted and Filed rule-making document.

### **My agency received comments about revising the rules published in the Notice, and now we need to revise the rule making and hold a public hearing. How do I do that?**

An agency can publish multiple Notices for a rule making before the rule making is adopted. A second Notice after the initial Notice of Intended Action is a separate type of rule making called an Amended Notice of Intended Action (ANOIA, pronounced "annoy-ya"). An ANOIA is submitted through the Rules Management System for publication in the Iowa Administrative Bulletin, in the same way as any other rule-making document. In terms of rule-making procedure, an ANOIA is treated the same as an initial Notice of Intended Action and restarts the required time frames and deadlines for public comments and adoption of the rule making, etc.

To change the rules or amendments in a Notice of Intended Action, submit an ANOIA containing the revised rule language. The new ANOIA notifies the public of the changes and allows for feedback before the changes are adopted.

An ANOIA can also be used to inform the public about a public hearing in cases in which a public hearing was not originally provided for in the first Notice of Intended Action. The hearing cannot be held until 20 days after publication of the ANOIA.

A single ANOIA can be used to change the rules or amendments in a Notice of Intended Action and to inform the public about a public hearing, if the agency wishes to do both things.

### **My agency has decided not to adopt the rule making. How do I stop the rule-making process?**

A proposed rule making can be terminated in one of two ways.:

- Notice of Termination: An agency can submit a rule making in the Rules Management System called a Notice of Termination (NOT). An NOT is assigned an ARC number and published in the Iowa Administrative Bulletin like any other rule making. An NOT gives notice that an agency will not proceed with a rule making.
- Expiration: An agency can let the Notice of Intended Action for a proposed rule making expire. A Notice expires automatically 180 days after either the date the Notice was published in the

IAB or the date of the last public hearing scheduled for the Notice, whichever is later. After the 180 days, the rule making is, in effect, terminated.

### How do I remove a rule from my agency's rules?

The removal of a rule or chapter of rules is referred to as a rescission and must be done through the rule-making process, with normal Notice of Intended Action and Adopted and Filed rule makings.

Any cross-references to a rescinded rule or chapter should be updated as part of the rule making, within individual items. To prevent the need for renumbering subsequent rules or chapters, the rule or chapter number of a rescinded rule or chapter can be "reserved" after rescission. This means that the number is shown in the Iowa Administrative Code acting as a placeholder.

#### **191—5.23(507C) Standards. Rescinded ARC 5515C, IAB 3/10/21, effective 4/14/21.**

Details about the rescission, such as the Adopted and Filed rule making's ARC number, the Adopted and Filed rule making's publication date, and the effective date of the rescission, are added after the catchwords or title of the rule or chapter in the Iowa Administrative Code.

If a part of a rule needs to be rescinded and other parts of that same rule are amended, the part of the rule to be rescinded can be struck as part of a larger amendment of the rule. Subsequent parts of the rule can be renumbered or relettered (called "restructuring") in items within the rule making if needed. Any cross-references to rescinded or restructured rule parts would then need to be updated in items within the rule making as well.

Here is an example of an amendment restructuring a subrule:

ITEM 21. Amend subrule 110.14(1) as follows:

**110.14(1) Limits on number of children in care.**

- a. No more than ~~six~~ eight children not attending kindergarten or a higher grade level shall be present at any one time.
- b. Of these ~~six~~ eight children, no more than four children who are 24 months of age or younger shall be present at any one time. Of these four children, no more than three may be ~~18~~ 12 months of age or younger.
- c. In addition to the ~~six~~ eight children not in school, no more than four children who attend school may be present.
- ~~d. In addition to these ten children, no more than two children who are receiving care on a part time basis may be present.~~
- e. d No more than 12 children shall be present at any one time when an emergency school closing is in effect.

For more information about rescissions and restructuring, see [Part B](#) of the Rule Writer Handbook.

### How do I change my agency's address, phone number, or other contact information in a rule?

There are two ways an agency can change its contact information:

- Changes to an agency's address, phone number, or other contact information, or other nonsubstantive editorial changes to an agency's rules, may be made by submitting an editorial change document. This is a way to make certain limited, nonsubstantive corrections or updates to rules in a quicker fashion without going through the rule-making process (see Iowa Code section [2B.13\(2\)](#)). The changes will be incorporated and published in the Iowa Administrative

Code but not in the Iowa Administrative Bulletin. For more information, see [Part B](#) of the Rule Writer Handbook.

- These types of changes may also be made as part of the regular rule-making process, especially if substantive amendments also need to be made to those same rules.

See the “Managing Your Document” section of this FAQ for information on updating the contact information that appears in the preamble of a rule-making document.

### **What are Uniform Rules, and why are they important?**

The [Uniform Rules on Agency Procedure](#) (also called “Uniform Rules”) are a set of rules establishing an agency procedure for rule making, among other processes. The intention of the Uniform Rules is that all agencies follow substantially similar procedures for rule making and some other administrative processes.

The Uniform Rules for rule making are related to Iowa Code sections [17A.4](#) and [17A.5](#), but they do not simply repeat the requirements of those sections. They establish procedural requirements that are beyond the letter of the statute and are an attempt to maximize public access, awareness and participation in the rule-making process. Once the Uniform Rules have been adopted by an agency, they have the force and effect of law, even though they go beyond the minimum requirements of Iowa Code chapter [17A](#).

The Uniform Rules were written by a gubernatorial task force in 1987. They were also amended by the Iowa Attorney General’s office in 1998 in response to legislative revisions to Iowa Code chapter [17A](#).

For more information, see “Uniform Rules” in [Part B](#) of the Rule Writer Handbook.

### **What is adoption by reference, and why is it used?**

Adoption by reference, also called incorporation by reference, is a legal tool that allows an agency to take a standard published by another entity and make it an enforceable part of the agency’s rules without reprinting the entire text of the standard in the agency’s rules.

The Iowa Administrative Code does not contain the actual text of every administrative rule. A large amount of rule making either implements verbatim federal regulation or implements various types of national codes, such as the National Building Code or National Electrical Code. In these cases, the code is actually published through other sources. Often, especially with engineering or similar codes, the material is used by a highly specialized and limited readership. In those cases, drafting the actual language into Iowa rules would be impracticable; so the solution is to adopt a rule that references the material by a citation and a reference to the code’s location.

Iowa Code section [17A.6\(2\)](#) specifically requires that an agency that adopts material by reference must provide a copy of the publication containing the standards to the Administrative Code Editor. The Administrative Code Editor deposits the copy in the State Law Library, where it is available for inspection and reference. Iowa Code section [17A.6\(3\)](#) provides for alternative procedures if the material in question is proprietary.

When an agency writes a rule making to update an adoption by reference (for example, changes a year from 2018 to 2020 on a document adopted by reference), whether the document is federal or private, the preamble of the rule making should provide information about the substance of the updates in the document.

Adoptions by reference of private documents (e.g., National Electrical Code) must include a date certain, edition number, or similar time-limited reference. Dates certain for adoptions by reference of federal law or regulations are optional but recommended. A date certain may be the date the material is published, the date it is made effective, or any other date that ties the material to a specified point in time. The effect is that the adoption by reference does not include any later amendments to the adopted material.

For more information, see “Adoption by Reference” in [Part B](#) of the Rule Writer Handbook.

### How do I find out what Bulletin my Notice or Adopted and Filed was published in?

After you submit your document in RMS, the publication date of the rule making will be included in the email informing you that the document has been accepted for publication and providing the document’s ARC number and its IAB publication date.

### What is the five-year review of rules? What do I have to do for it?

Iowa Code section [17A.7\(2\)](#) requires that each agency conduct an ongoing and comprehensive review of all of its rules over each five-year period. The first five-year review resulted in rule making by many agencies to update or eliminate rules identified in the review. The second five-year review period commenced July 1, 2017.

The goal of the five-year review is the identification and elimination of agency rules that are outdated, redundant, or inconsistent or incompatible with statute, the agency’s own rules, or the rules of other agencies. After each five-year review is complete, the agency is required to submit a summary of the results to the Administrative Rules Coordinator and Administrative Rules Review Committee.

## Managing Your Document in the Rules Management System (RMS)

### How do I submit a rule making in RMS?

For a detailed explanation of how to submit a rule making in RMS, see [Part A](#) of the Rule Writer Handbook.

### How do I use RMS as a drafting tool to generate a preamble?

When you fill in the form to submit a rule making in RMS, you supply the information covered in the preamble of a rule-making document. RMS uses the information you supply on the form to generate a PDF preamble for your rule-making document.

For more information about the subjects that are covered in the preamble, see “Preamble” in [Part B](#) of the Rule Writer Handbook.

**IMPORTANT:** Only the RMS-generated preamble will be edited and used in the rule-making document published in the Iowa Administrative Bulletin (IAB). PEO editors preparing rule makings for publication may review a preamble that is attached to an agency’s submitted rule-making document, but that preamble will not be edited or used in the rule-making document published in the IAB. Therefore, include **within the RMS filing form** all the information you want published in the preamble.

If you need to make a change to the content of the RMS-generated preamble in your submission within RMS, there are two ways to do this:



## FAQ/How Do I ...

- Changing the information on the RMS filing form, saving the form, and regenerating the preamble.
- If the change is a minor formatting change, leaving a note in the “Comments to Editors” field within the “Rule Changes & Compilation” tab of the filing form.

### How do I combine the RMS-generated preamble PDF and the body of the rule-making document I created in the Rule-Drafting Template into a single document to present to my board for approval?

1. After the body of the rule-making document has been uploaded and saved in your rule submission in RMS, select the RMS icon indicated below to create a PDF of the RMS-generated preamble combined with the body of the rule making.

#### My Filings

For instructions to withdraw a filing, [click here](#)

Type	ARC	Short Description	Publication Date	Status	Contact	Action
No filings for the selected publication date						

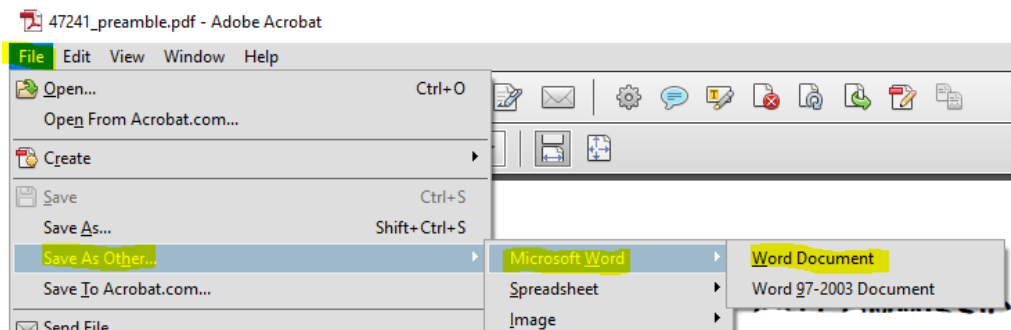
#### Governor's Office

Type	ARC	Short Description	Publication Date	Status	Contact	Action
No filings for the selected publication date						

#### Publications Editing Office (Admin Code)

Type	ARC	Short Description	Publication Date	Status	Contact	Action
NOT		Amendments to rules	08/25/2021	Administrative Code Office 08/14/2021		
NOIA	5818C	Iowa qualifying	08/		Michael	

2. If you want to change the formatting of the preamble to match that of the body of the document or make technical changes to the document’s preamble, convert the PDF to a Microsoft Word document. To convert the PDF, save the PDF to your PC; then open it and click on “Save As Other” under the “File” tab, as shown below, and save the Word document to your PC.



You may then open the saved Word document and use Word’s formatting tools to make the format of the document uniform.

Because RMS is limited in the amount of complexity it can show in the generated preamble, there may be errors in formatting within citations or wording in the first paragraphs of the generated preamble. When there are errors in formatting, punctuation, or connecting words, Publications Editing Office (PEO)

editors fix these issues when preparing the rule making for publication. You may want to fix the same issues in the preamble of the Word document you have created to show to a board or other entity.

**This rule making implements, in whole or in part, Iowa Code chapter 17A and Iowa Code sections 321.177, 321.182 and 321.186, H.R. 133 (federal REAL ID Act), 6 CFR Sections 37.11 and 37.13.**

For example, the punctuation and references in the RMS-generated sentence above would be edited during the publication process to read:

This rule making implements, in whole or in part, Iowa Code chapter 17A and sections 321.177, 321.182, and 321.186; H.R. 133, REAL ID Modernization Act; and 6 CFR Sections 37.11 and 37.13.

### How do I change my agency's or contact person's address, phone number, or other contact information in RMS?

You can update your agency's contact information by clicking the link for "Agency Contacts" in the Rules Management Navigation panel in RMS.



Agency contact information is used to automatically generate the following information in rule-making filing forms and non-rule-making submissions:

- Contact Person
- Secondary Contact Person
- Public Comment Contact (contact information will appear in the preamble of the Notice of Intended Action)
- Fiscal Impact Contact

After clicking the link to enter the "Agency Contacts" field, click the "Edit" icon (shown on the far left in the screenshot below).

Status: ☒ Active ☐ All

[+ Add Contact](#)

Edit	Clone	Name	Email	Phone/Fax	Address	Status
				515.725.		

## FAQ/How Do I ...

Edit the contact information in the box that appears and click the “Save” button.

The screenshot shows a web form titled "Edit agency contact information". At the top, a message states: "At minimum, first name, last name, email and phone should be supplied. Additional address information may also be provided." Below this, a red-bordered box contains a note: "Only missing information can be supplied when editing a contact. If you want to change existing information for a contact, create a new contact using the clone icon on the Agency Contacts page, then change information as desired." To the right of this box is a callout labeled "NOTE" with an arrow pointing to the red box. The form fields include: "First Name\*" (grayed out), "Last Name\*" (grayed out), "Email\*" (grayed out), "Phone\*" (515.234.5678), "Fax" (515.234.5678), and "Zip" (empty). There are checkboxes for "Show email in preamble", "Show phone in preamble", "Show fax in preamble", and "Show address in preamble". Below these are fields for "Agency/Department", "Building", "Address Line1", "Address Line2", "City", "State" (a dropdown menu showing "Select"), and "Zip". A callout on the right labeled "Grayed out fields cannot be edited." points to the First Name, Last Name, and Email fields. At the bottom right, there are "Save" and "Cancel" buttons, with the "Save" button highlighted by a red rectangle.

Only missing information can be supplied when editing a contact. If you want to change existing information for a contact, create a new contact using the Clone icon described below. Then change the information as desired.

To create a **new** contact, click the link for “Add Contact” (the blue plus sign icon shown below) in the “Agency Contacts” field.

## FAQ/How Do I ...

Status: ☒ Active ☐ All

 Add Contact

Edit	Clone	Name	Email	Phone/Fax	Address	Status
			<input type="checkbox"/>	<input type="checkbox"/>		

Save the new information. If you need to edit a draft submission, return to the “My Filings” area to edit the submission. The newly added contact person will be available in the contact dropdown menu in the form.

In order to more quickly create a new contact, you can use the Clone process. Click the Clone icon to create a new contact based on information for an existing contact. This is a quick way to create a contact and edit information that may be not be edited in an existing record.

Add agency contact information

At minimum, first name, last name, email and phone should be supplied. Additional address information may also be provided.

First Name\*

John

Last Name\*

Doe

Email\*

jdoe@msn.com

☐ Show email in preamble

Phone\*

515.234.5678

☐ Show phone in preamble

Fax

515.234.5678

☐ Show fax in preamble

For Public Comment Contact, address information is required.

Agency/Department

Building

Address Line1

Street address or P.O. Box

Address Line2

City

State

Select

Zip

☐ Show address in preamble

Save

Cancel

Information previously entered for the contact will be filled in.

All fields in this dialog can be edited.

## FAQ/How Do I ...

If a contact person is not available in the dropdown menu or not available for selection in a submission form, save the unfinished submission and go to “My Filings” to check whether the contact person is in Active status. The Status filter above the table may be changed to show either Active or All contacts, as shown in the blue box in the screenshot below.

**Agency Contacts**

Agency contacts are used to populate the following information in rule-making filing forms and non-rule-making submissions:

- Contact Person
- Secondary Contact Person
- Public Comment Contact
- Fiscal Impact Contact

The following contacts have been used in this agency's previous rule-making filings. Active contacts will be available for selection in rule-making filing forms and non-rule-making submission forms. Inactive contacts will be omitted from selection options in forms. To mark a contact inactive, click the icon in the Status column. Check the check boxes to show email, phone and address in preamble. To fill in missing information, click the Edit icon in the first column. To edit the existing information, create a new contact using the Clone icon and update information as needed.

**Status:** ☒ Active ☐ All

[Add Contact](#)

Edit	Clone	Name	Email	Phone/Fax	Address	Status
		[Redacted]	<input type="checkbox"/> [Redacted]			
		[Redacted]	<input type="checkbox"/> [Redacted]	<input type="checkbox"/> [Redacted] (Fax)	<input type="checkbox"/> [Redacted] Des Moines, Iowa 50309	
		[Redacted]	<input checked="" type="checkbox"/> [Redacted]	<input type="checkbox"/> [Redacted]	<input checked="" type="checkbox"/> [Redacted] Des Moines, Iowa 50309	

Mark a contact as inactive when the contact is no longer with the agency or is no longer working with administrative rules. To mark a contact as inactive, click the Status icon to the far right in the Agency Contacts field. A box will appear to confirm the choice to mark a contact as inactive.

**Confirm Action**

Are you sure you want to mark this contact as Inactive?

### How do I track my document's progress in RMS?

In the navigation panel in RMS, click on “My Filings.”

Rules Management Navigation
?

My Filings
Non-Rule-Making Submissions
Waivers
Rule-Making Calculator
Rules Tracker
Rule-Making Records
Rule-Drafting Template: Word | Zip File
Rules Referencing Statutes
Public Hearing Locations
Agency Contacts
Rule-Writer Training Video
IAC Annotation

To find a rule-making document, navigate to the desired publication date. To see rule-making documents for previous publication dates, check the box next to the publication date dropdown menu.

**NOTE:** If the filing you are looking for was published in a previous year, navigate to that year using the year dropdown menu first.

Year: 2019 (1/1/2019 - 12/31/2019)

Publication  
Date:

08/28/2019



Check this check box to get filings for previous publication date.

To determine where a filing is in the process, first find its location within the following three categories:

### My Filings

Type	ARC	Short Description	Publication Date	Status	Contact	Action
*** No filings for the selected publication date ***						

### Governor's Office

Type	ARC	Short Description	Publication Date	Status	Contact	Action
*** No filings for the selected publication date ***						

### Publications Editing Office (Admin Code)

Type	ARC	Short Description	Publication Date	Status	Contact	Action
*** No filings for the selected publication date ***						

- **My Filings:** This category indicates that the filing is a draft or has been returned to you for feedback by either the Governor's Office or the Publications Editing Office.
- **Governor's Office:** This category indicates that the filing has been submitted to the Governor's Office and is pending approval.
- **Publications Editing Office (Admin Code):** This category indicates that the filing has been submitted to the Publications Editing Office for editing and publication in the Iowa Administrative Bulletin. This category contains the following statuses:

- Administrative Code Office: This status indicates that the rule-making document has been submitted to the Publications Editing Office but has not yet been accepted for publication.
- In Process: This status indicates that the rule-making document has been submitted to Publications Editing Office and has been accepted for publication.
- ACO - Approval request: This status indicates that the filing is ready for publication, pending agency approval.
- Agency - Feedback on approval request: This status indicates that the agency has sent feedback in RMS to the Publications Editing Office.
- Published: This status indicates that the filing is finalized for publication in the Iowa Administrative Bulletin.

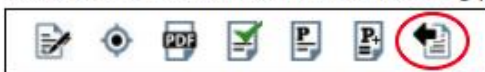
### I submitted the wrong document in RMS. What should I do?

Contact the Administrative Code Editor as soon as possible to discuss possible solutions. If the Administrative Code Editor is not available, contact the Publications Editing Office.

### I need to withdraw a document submitted in RMS. Who do I contact? How long does it take?

A submission in RMS may be withdrawn at any time until shortly before a bulletin's publication date. If the submission has not yet been accepted by the Publications Editing Office, use the Rules Management System to request to have the submission withdrawn by following the directions below. If the filing has already been accepted by the Publications Editing Office, call or email the Administrative Rules Coordinator and the Publications Editing Office to request withdrawal.

Hover over the Action icon next to the filing you wish to withdraw and select Withdraw Filing:



You will see a screen like the one below:

### Request for Withdrawal of Filing

By requesting withdrawal of this filing, you can no longer take action on the filing.

If you wish to edit this filing, cancel this withdrawal request, and contact the Governor's Office or Publications Editing Office to request that the filing be returned for comments/feedback. Doing so will return the filing to you for further action or editing.

If withdrawal is requested, the Governor's office will be notified and the filing will be removed from any publication.

<b>Rule Making Type</b>	Notice of Intended Action
<b>Agency</b>	Administrative Services Department[11]
<b>Publication Date</b>	12/02/2020
<b>Action</b>	Requests withdrawal
<b>ARC Number</b>	Not Assigned
<b>Reason for withdrawal</b>	<div>Enter the reason for withdrawal in this field and then click <b>Submit</b> to submit the withdrawal request.</div>



### Writing a Rule-Making Document

#### Writing the Preamble

The preamble precedes the body, or the amendments or rule text itself, in a rule-making document. The preamble includes a summary of the subject matter and a citation to the specific statutory authority for the proposal. The preamble may also contain standard language as to the availability of a public hearing, the time and method for the submission of written comments, review by the Administrative Rules Review Committee, and other matters. An agency may also use the preamble as a mechanism to present more detailed information on the reasoning behind the proposal or to describe its history.

The Rules Management System (RMS) automatically generates a preamble for you out of individual sections that you fill in the text entry boxes in the RMS filing form. This RMS-generated preamble can be saved for your records. You do not have to write and submit a separate preamble.

The following preamble subject headings are the most common ones related to text entry boxes you will encounter when filing a document:

#### *Legal Authority for Rule Making*

##### **How do I determine who has the rule-making authority for a rule making?**

If the rule making will implement one or more provisions of the Iowa Code, consult that statute and related statutes to determine which rule-making entity has been delegated rule-making authority for that provision. If an explicit delegation of rule-making authority cannot be located, at times a rule-making entity may have a general delegation of rule-making authority in a subject area or for a particular portion of the Iowa Code that would implicitly cover the provision at issue. Bear in mind that a single provision may involve multiple rule-making entities.

If a rule making will implement a federal law or regulation, court ruling, or other legal requirement, first find out whether that legal authority provides clear direction as to which rule-making entity should implement the requirement. If there is no clear direction, consult state law on the same subject matter to determine whether state law has established which rule-making entity has the responsibility to implement that legal requirement or to make policy on that general subject matter.

If a determination as to the correct entity with rule-making authority cannot be made, consult agency counsel or the Administrative Code Editor.

##### **How do I determine which Iowa Code statute gives my agency authority to adopt a rule making?**

At times, a statutory provision will specifically direct an agency to adopt rules on a narrow subject. If there is no such statutory provision, a chapter or other major portion of the Iowa Code may include a general grant of rule-making authority to implement that chapter or portion. If that is not the case, many agencies have in their enabling legislation broad grants of rule-making authority to carry out all of the various responsibilities or responsibilities pertaining to a particular subject matter area. Bear in mind that an agency's rule-making authority may not always be located in the same chapter of the Iowa Code as the provision an agency is implementing with a particular rule.

If a determination as to the correct statutory authority cannot be made, consult agency counsel or the Administrative Code Editor.

##### **Should I cite a chapter or rule of the Iowa Administrative Code under Legal Authority for Rule Making?**

No, a rule number should not be cited. The citations in this section and the implementation section of the preamble are typically to relevant Iowa Code sections or legislation, since the agency's authority to adopt a rule comes from the Iowa Code and since most rules an agency adopts are intended to implement a section of the Iowa Code.

### *State or Federal Law Implemented*

#### **How do I determine the state or federal law that my rule making is implementing?**

An agency's intent in rule making often provides guidance as to what statute or statutes the agency is implementing. If an agency is complying with a recent statutory change, the statute to which the change is made is the statute being implemented. If an agency is revising practices relating to an existing program or other agency function, the statutory source of that program or function, even if that statute is unchanged, is the statute being implemented. If the agency is revising its internal operation or organization, the agency's enabling legislation, or possibly Iowa Code section [17A.3\(1\)](#), is likely the statute being implemented.

If a determination as to the correct statute cannot be made, consult agency counsel or the Administrative Code Editor.

#### **When do I cite an Iowa Acts chapter and when do I cite an Iowa Code chapter or section?**

For the State or Federal Law Implemented section of the preamble or for any other part of the preamble or rules where a statutory reference is needed, you should cite the *published* statutory content your rule making is implementing, since that is the only place the public can find the content.

For instance, if the rule making is implementing legislation that has not yet been incorporated in the Iowa Code (codified), in the Rules Management System form where you input that information, cite the number of the Senate or House File, including the specific section if applicable. Include the year of the Act and the words "Iowa Acts". (Do not cite the Iowa Acts chapter in the preamble. The Administrative Rules Review Committee prefers to see the Senate or House File reference. However, Iowa Acts chapters may be cited in the rules.)

For example:

Statute this rule is intended to implement\*

Iowa Acts: 2021 Iowa Acts, Senate File 345, section 2

Iowa Acts

Iowa Code chapter/section

Iowa Acts

Executive Order

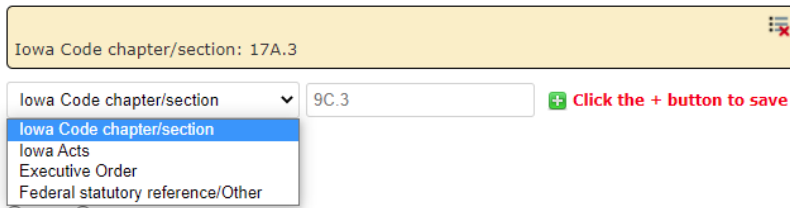
Federal statutory reference/Other

2021 Iowa Acts, Senate File

Click the + button to save

If the statutory content has been codified in the Iowa Code, cite the relevant Iowa Code section. For example:

Statute this rule is intended to implement\*



Sometimes the section of a Senate or House File amends an existing section of the Iowa Code. In that circumstance, cite the Iowa Code section and include the phrase “as amended by” followed by the Senate or House File. For example:

Iowa Code section 17A.3 as amended by 2021 Iowa Acts, Senate File 345, section 3.

Citations that have to be input in the RMS filing form cannot be quite this complex, but the editors can make the necessary adjustments to the citations during the editing process.

### Can federal law be included in this section?

If federal law is being implemented, determine whether there is an applicable state law that directs the agency to implement the federal law. If so, citing the state law will suffice. If not, a federal law or regulation can be cited.

See “Citations” in [Part C](#) of the Rule Writer Handbook for information about how to cite federal laws and regulations.

## Purpose and Summary

### What does the Purpose and Summary need to contain?

The Purpose and Summary needs to explain what the rule making is doing and the reason for doing it. For example, possible reasons for rule making might include:

- Legislation that has been passed.
- Public comment.
- A departmental decision.
- Federal regulations that have been updated.

The summary should include at least a brief explanation of the principal reasons for the rule making and the effects of the rule making, and may include additional information at the agency’s discretion.

## Fiscal Impact

### How do I determine whether my rule making has a fiscal impact?

The following types of rule making are considered to have a [fiscal impact](#) requiring a summary:

- Rule makings that implement recent fiscally significant legislation, meaning legislation with an impact of at least \$100,000 per year. In these circumstances, the fiscal impact may be attributable to legislation rather than the rule making. The [Administrative Rules Review Committee](#) has requested summaries for these rule makings.
- Rule makings that involve a fine, fee, or other change that will exceed a total increase or decrease of \$100,000.

- Rule makings that expand or decrease eligibility for a program that may impact expenditure.

This is not an exhaustive list. Other rule makings may also have a fiscal impact.

The following boilerplate language is automatically shown in RMS for use in rule makings that will not have a fiscal impact:

This rule making has no fiscal impact to the State of Iowa.

### *Jobs Impact*

#### **How do I determine the jobs impact of my rule making?**

Agencies should utilize whatever resources they have available to determine the jobs impact of their rule making. It may often be difficult to calculate the exact number of jobs that will be affected, so it may be necessary to describe the impact in more general terms, along with the agency's rationale for the description.

The following boilerplate language is automatically shown in RMS for use in rule makings that will not have a jobs impact:

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

#### **What is a waiver? Why would someone ask for a waiver?**

A waiver is a request by a person for an agency to provide a temporary exception to the requirements of a rule if the requirements would impose an undue hardship on the person. Waivers can be granted at the agency's discretion and are subject to the requirements of Iowa Code section [17A.9A](#).

An agency cannot waive a statutory requirement. Waivers must provide the narrowest possible exception to the rule and cannot be permanent unless the requestor can show that a temporary waiver would be impractical. Waivers must be reported in RMS, but they are not considered rule filings and are published [here](#) on the Iowa Legislature website, not in the Iowa Administrative Bulletin.

If you do not supply your own waiver language in the text entry box in RMS, the boilerplate waiver language is automatically used in its place:

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the for a waiver of the discretionary provisions, if any.

*Boilerplate text may be modified. Citation to agency's waiver rule or chapter may be included at agency discretion.*

If using the boilerplate above, add a citation to your agency's waiver rule or chapter to the end of the boilerplate sentence (for example, add ", pursuant to rule 123—4.5(17A)" after "if any").

### *Public Comment*

#### **When does an agency request public comment?**

Every Notice of Intended Action must allow for a period of public comment. The deadline for comment can be no sooner than 20 days after the date the Notice is published in the Iowa Administrative Bulletin, and can be later than 20 days at the agency's discretion.

Agencies are required to provide a point of contact and a means of contact for public comment. Providing a means of contact for written comments is required, while including an additional means of contact for oral comment is optional. Email addresses are encouraged but not required. Specific names for contacts (instead of simply the name of the agency) are encouraged but not required.

#### **Do I have to allow for public comment?**

Yes. Agencies must allow at least 20 days for written public comment on a Notice of Intended Action prior to the rule making's adoption. The deadline for public comment to be received is established in the preamble of the Notice. Agencies are required to fully consider all comments received before the rule making is adopted.

#### **What should the deadline for public comment be?**

The deadline for public comment must be no less than 20 days after the date the Notice of Intended Action will be published in the Iowa Administrative Bulletin.

### *Public Hearing*

#### **What is a public hearing?**

A public hearing is a meeting at which the public may attend to comment on proposed rules or amendments. The term is synonymous with "oral presentation" as prescribed in Iowa Code section [17A.4\(1\)"b,"](#) but "public hearing" is the term used in rule-making documents.

#### **Do I have to have a public hearing?**

A public hearing is not necessarily required. Scheduling a public hearing about a Notice of Intended Action is initially a discretionary decision by the agency. However, an agency must schedule a public hearing if the agency receives a timely request of 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, another agency, or an association having not less than 25 members.

All public hearings must be announced in a Notice of Intended Action in the Iowa Administrative Bulletin. If an agency schedules a public hearing initially, the information on the hearing is included in the preamble of the Notice. If a hearing is requested later, an agency must publish an Amended Notice of Intended Action in another Iowa Administrative Bulletin, which delays adoption of the rule making.

#### **Can I choose to have a public hearing only by request?**

Yes. Agency practices regarding public hearings vary. Some agencies schedule public hearings for all notices, some schedule them only upon request, and some decide on a case-by-case basis.

### **When can my public hearing be scheduled?**

A public hearing can be held no sooner than 20 days after notice of the time and location of the hearing is published in the Iowa Administrative Bulletin.

### ***Public Comment and Changes to Rule Making***

**NOTE:** This section of the preamble appears only in adopted rule makings.

### **My agency received comments about a Notice of Intended Action. How do I describe those comments in the preamble of my Adopted and Filed rule making?**

The preamble of Adopted and Filed rule makings must contain a brief description of any public comments received on the Notice of Intended Action for the rule making. Public comments can be described individually or summarized as the agency deems appropriate. Agencies at times publish public comments on their own websites and include a link to the website in the preamble rather than summarizing all of the comments.

### **My agency made changes to the Adopted and Filed rule making compared to the Notice of Intended Action. How do I indicate that?**

The “Public Comment and Changes to Rule Making” section of the preamble of an Adopted and Filed rule making must address any changes made to the rule-making language originally published in the Notice of Intended Action. Substantive changes to the language published in the Notice should be described with sufficient detail for the public to understand what has been changed. Nonsubstantive changes need not be described in detail.

### ***Review by Administrative Rules Review Committee***

This section of the preamble includes automatically generated boilerplate text that notifies that public that each rule making is subject to review by the [Administrative Rules Review Committee](#). Agencies do not need to take any action on this section.

### ***Effective Date***

**NOTE:** This section of the preamble appears only in adopted rule makings.

This portion of the preamble indicates the effective date of the rule making. This date is generated by RMS, but an agency may optionally specify a later date. The effective date must be at least 35 days after publication of an agency’s Adopted and Filed document in the Iowa Administrative Bulletin.

## **Writing Rules and Amendments (Body of the Rule-Making Document)**

### **What is an item? What is an item statement?**

In a rule-making document, an item is a single proposed or adopted change, such as a new chapter, rule, or rule part, or an amendment, renumbering, or rescission made to an existing chapter, rule, or rule part.

An item statement (sometimes called a “lead in”) is the sentence that introduces an item and explains the change.

The example below shows an item statement and corresponding item.

ITEM 7. Amend subrule 82.1(6) as follows:

**82.1(6)** The petition must be dated and signed by the petitioner or the petitioner’s representative.

The petition must also include the name, mailing address, and telephone number of the petitioner and petitioner’s representative, and a statement indicating the person to whom communications concerning the petition should be directed. If desired, the petition should also provide an email address and a statement that email is an acceptable method for communication.

When drafting items for a rule-making document, always use the [Rule-Drafting Template](#) located in the Rules Management System and the [Rule Writer Tool Kit](#) on the Iowa Legislature’s website. The template will have ready-made, properly worded item statements for you to choose from in addition to the most current and accurate content of your agency’s rules to amend.

While its use is not required, most agencies will find that using the template is much easier than using a word processing tool to draft item statements and amendments.

When writing items, follow these guidelines:

- If a rule-making document has more than one item statement, the item statements are numbered (e.g., ITEM 1).

Example:

ITEM 1. Amend **875—Chapter 81**, title, as follows:

### **WAIVERS ~~OR VARIANCES~~ FROM ADMINISTRATIVE RULES BY THE BOILER AND PRESSURE VESSEL BOARD**

ITEM 2. Amend rule 875—81.3(17A,89), introductory paragraph, as follows:

**875—81.3(17A,89) Criteria for waiver ~~or variance~~.** In response to a petition completed pursuant to this chapter, the board may, in its sole discretion, issue an order waiving, in whole or in part, the requirements of a rule as applied to an identified person on the basis of the particular circumstances of that person if the board finds, based on clear and convincing evidence, all of the following:

- If an item statement rescinds or restructures an existing chapter, rule, or part of a rule, the rescinded or restructured content is not shown.

Example:

ITEM 3. Rescind and reserve subrule **81.4(3)**.

ITEM 4. Renumber subrule **81.4(4)** as **81.4(3)**.



- For an item in which a chapter, rule, or rule part is newly adopted or an existing chapter, rule, or rule part is rescinded and replaced, the item statement will include the word “**new**” (bold and underscored) to indicate to the reader that all the rule text in the item is new text. Underscoring the rule text is unnecessary for this type of item.

Example:

ITEM 5. Adopt the following **new** subrule **81.4(4)**:

**81.4(4) *Summary reports.*** Information about all orders granting or denying a waiver petition shall be submitted by the board staff to the legislative services agency through the designated internet site within 60 days of granting or denying the petition. The information submitted is available to the public via the website.

### How do I indicate the amendments I want to make in a rule?

Indicate amendments by striking through words to be removed (~~like this~~) and underscoring words to be added (like this).

Example:

ITEM 1. Amend rule 875—80.5(89) as follows:

**875—80.5(89) Official communications.** All official communications, including submissions and requests, shall be addressed to the Boiler and Pressure Vessel Board, Department of Workforce Development, Division of Labor Services, ~~1000 East Grand Avenue~~ 150 Des Moines Street, Des Moines, Iowa ~~50319~~ 50309.

**Do not** simply delete unwanted words and simply insert new words. **Do not** use the Track Changes function in Word to show amendments.

When indicating amendments, stricken text should **always** precede underscored text.

Example:

ITEM 8. Amend subrule 90.6(3) as follows:

**90.6(3) *Inspections conducted by special inspectors.*** Special inspectors shall provide copies of the completed report to the insured and to the division within ~~30~~ 14 days of completing the inspection. The reports shall list all ~~adverse~~ noteworthy conditions, ~~and that are within the scope of Chapter 89, all recommendations, and all requirements, if any.~~ If the special inspector has not ~~notified the division of provided the inspection results of the inspection~~ within ~~30 days of the expiration of an operating certificate~~ the time frame identified, the division may conduct the inspection.

Where possible, retain portions of the existing text of a sentence or paragraph, rather than striking words and then inserting the same words later in the same sentence or paragraph.

For example, **do** amend text like this:

ITEM 7. Amend subrule 85.3(3) as follows:

**85.3(3)** Request for access. Requests for access to open records may be made in writing, in person, by facsimile, email, or other electronic means, or by telephone. Requests shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail, electronic, or telephone requests shall include the name, address, and telephone number of the person requesting the information to facilitate the board's response. A person shall not be required to give a reason for requesting an open record. ~~While agencies are not required by Iowa Code chapter 22 to respond to requests for public records that are not made in person, the~~ **The board will respond to such requests as reasonable under the circumstances no later than ten working days after the request is made.**

Do **not** amend text like this:

ITEM 7. Amend subrule 85.3(3) as follows:

**85.3(3)** Request for access. Requests for access to open records may be made in writing, in person, by facsimile, email, or other electronic means, or by telephone. Requests shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail, electronic, or telephone requests shall include the name, address, and telephone number of the person requesting the information to facilitate the board's response. A person shall not be required to give a reason for requesting an open record. ~~While agencies are not required by Iowa Code chapter 22 to respond to requests for public records that are not made in person, the board will respond to such requests as reasonable under the circumstances~~ **The board will respond to such requests no later than ten working days after the request is made.**

**Always** strike and insert whole words and numbers as opposed to individual letters and digits.

### How do I know which chapters, rules, or parts of rules to amend?

When amending existing rules, follow these guidelines:

- Consult the table of contents (called the "analysis") of the Iowa Administrative Code for your agency to determine which current chapters or rules relate to the subject matter of the statute. Sometimes a statutory change may only affect a single rule, while other times entire chapters may need to be rewritten.
- Each rule number contains a parenthetical reference to the statute the rule implements. Additionally, each rule or chapter of rules ends with an implementation sentence citing the statute amended by the rule or chapter. Searching for references in these places to the statute being implemented, as well as searching for written references in rules themselves, can show existing connections between statutes and rules.
- Bear in mind that amending the main rules relating to a particular subject may not suffice to fully implement an update to an agency's rules. Rules often contain cross references and less obvious substantive connections to other rules. These cross references and connections may only be apparent upon research into the various ways a rule being amended will affect and be

affected by other rules. Rule writers amending a rule should determine whether any conforming changes to other rules are necessary as well.

For more information about writing and amending rules, see [Part B](#) of the Rule Writer Handbook.

### **Can I amend many rules or rule parts in one item?**

Multiple amended rules or subparts may be combined in one item, but depending on the need for context, it is often advisable to amend the smallest part of an existing rule and to amend each part of a rule in a separate item. If you do choose to combine a series of new or rescinded rules or rule parts in one item, the [item statement](#) in the [Rule-Drafting Template](#) may need to be modified.

### **Can a single rule making address more than one subject?**

A rule making is not limited to a single subject. It may address multiple subjects if the agency so desires, but each subject should be described in the Purpose and Summary section of the preamble.

### **When a rule needs to be amended, should I rescind the whole rule and start over, or should I amend the rule instead?**

This is a judgment call on the part of the rule writer and generally depends on how many changes need to be made. When minimal changes to a rule are needed, rescinding the rule and writing a new rule in its place may not be necessary. When more extensive changes are necessary, or an entire regulatory scheme needs to be reformulated, rescinding the existing rule and replacing with a new one may enhance the rule making's readability.

On the other hand, rescinding a rule and replacing it with a new one will make it more difficult for a reader to discern exactly how a rule has changed, reducing transparency. In this circumstance, an explanation in the Purpose and Summary section of the preamble will be important because it tells the reader exactly what is being done.

### **What is an implementation sentence? How do I know what to cite in it? How do I know when to amend it?**

The implementation sentence cites the statute or statutes the rule is intended to implement, or carry out. The implementation sentence should cite the Iowa Code statute, Executive Order, or federal statute or regulation implemented by the rule. An implementation sentence is included in the preamble of each rule-making document.

In accordance with Iowa Code section [2B.5A\(2\)](#), an implementation sentence must also be included at the end of each rule in a chapter in the Iowa Administrative Code. Alternatively, a chapter can end with a single comprehensive implementation sentence that covers all the rules within a chapter if all the rules in the chapter implement the same statutes.

### **What is the purpose of definitions or defined terms in a rule making?**

Definitions are useful to:

- Limit or extend the meaning of a word, particularly if the word is used in ways other than its normal sense or has several meanings.
- Translate technical terms or terms of art into common language.
- Avoid repetition of a phrase or term.

Often, a chapter in the Iowa Administrative Code will include a rule dedicated to definitions of specific terms used in the chapter. Some agencies even have an entire chapter of definitions that applies to all the agency's rules. Your document will be clearer if, after familiarizing yourself both with your agency's defined terms as well as defined terms in the statute being implemented, you define specific terms and use them consistently and accurately.

Consider adding a new definition if you want a particular term to have a specific meaning other than its usual meaning. A new definition is essential if the term or phrase to be used is not commonly understood or does not have a generally accepted meaning. In contrast, commonly understood words need not be defined.